

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Brian Woolsey,) No. CV-21-02162-PHX-SPL
Petitioner,)
vs.)
David Shinn, et al.,) ORDER
Respondents.)

Petitioner Brian Woolsey has filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 1). The Honorable Eileen S. Willett, United States Magistrate Judge, issued a Report and Recommendation (“R&R”) (Doc. 21), recommending that the Court dismiss Ground One and the first subsection of Ground Two with prejudice and deny the second subsection of Ground Two. Judge Willett advised the parties that they had fourteen (14) days to file objections to the R&R and that failure to file timely objections could be considered a waiver of the right to obtain review of the R&R. (Doc. 21 at 17) (citing 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72; *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

The parties did not file objections, which relieves the Court of its obligation to review the R&R.¹ See *Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is

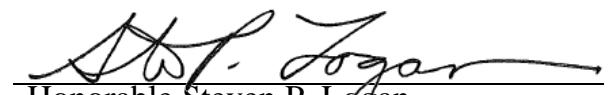
¹ Petitioner requested two extensions (Docs. 22, 24) which were granted (Docs. 23, 25). No objection, however, was filed on the docket.

1 not the subject of an objection."); Fed. R. Civ. P. 72(b)(3) ("The district judge must
2 determine de novo any part of the magistrate judge's disposition that has been properly
3 objected to."). The Court has nonetheless reviewed the R&R and finds that it is well-taken.
4 The Court will adopt the R&R and deny the Petition. *See* 28 U.S.C. § 636(b)(1) (stating
5 that the district court "may accept, reject, or modify, in whole or in part, the findings or
6 recommendations made by the magistrate"); Fed. R. Civ. P. 72(b)(3) ("The district judge
7 may accept, reject, or modify the recommended disposition; receive further evidence; or
8 return the matter to the magistrate judge with instructions."). Accordingly,

9 **IT IS ORDERED:**

- 10 1. That Magistrate Judge Eileen S. Willett's Report and Recommendation (Doc.
11 21) is **accepted** and **adopted** by the Court;
- 12 2. That Ground One and the first subsection of Ground Two of the Petition for
13 Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 1) are **dismissed with**
14 **prejudice** and the second subsection of Ground Two is **denied**;
- 15 3. The Petitioner's request for an evidentiary hearing (Doc. 1 at 15) is **denied**;
- 16 4. That a certificate of appealability and leave to proceed *in forma pauperis* on
17 appeal are **denied**; and
- 18 5. That the Clerk of Court shall **terminate** this action.

19 Dated this 5th day of December, 2022.

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21 Honorable Steven P. Logan
22 United States District Judge
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